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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,586	06/08/2000	William W. Holmes IV	U6220/53569/NWJ-gasket	1012

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EXAMINER
BURCH, MELODY M

ART UNIT	PAPER NUMBER
3683	

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/590,586	HOLMES ET AL.	
	Examin r	Art Unit	
	Melody M. Burch	3683	

-- The MAILING DATE of this communication appears on the cov r sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-11 and 13-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-11 and 13-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 October 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated since Applicant described figure 1 as a "typical" mechanical joint in the brief description of drawings section of the specification. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of the lip being at least partially within (within to the same extent as portions of element 2) the second pipe portion as claimed in claim 2 and the limitation of affixing a compression gland to the bell end and partially within the bell end as claimed in claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. See 112 rejections below.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "1" has been used to designate both portions of the gasket 2 and a portion designated as a locking segment. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid

abandonment of the application. The objection to the drawings will not be held in abeyance. In light of the drawings Examiner has been interpreting the locking segment as an integral part of or a portion integrated with the gasket.

4. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2, 4-11, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claims 2 and 16. Claim 2 includes the limitation of a compression gland having a lip "disposed at least partially within the second pipe portion" and claim 16 includes the limitation of "affixing a compression gland to the bell end and partially within the bell end". It is unclear to the Examiner as to what Applicant means by "within". In the usual sense of the word, one would consider portions of element 2 shown in the area of the lead line associated with element 2 as being "within" the second pipe portion 12. However, as best understood, Examiner has interpreted the lip 71 as being "within" the extrapolated boundaries of the second pipe portion 12. If Applicant intends for the lip to be "within" the second pipe portion to the same extent as

portions of element 2 are within the pipe portion, then see the Drawing Objections section above. With regards to claim 16, Examiner notes that only the lip portion of the compression gland is "within" the extrapolated boundaries of the second pipe portion 12 or capable of being clamped "within" the second pipe portion 12 to the extent that portions of element 2 are within the second pipe portion.

The remaining claims are indefinite due to their dependency from claim 2.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 2-11 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 2201372 to Miller.

Re: claims 2, 3, 4, 11, 13, and 16. Miller shows in figure 16 a pipe joint comprising a male first pipe portion 10, a female second pipe portion 13c, a compression gland 62,64,65,67 having a lip 62,64 the radially inner portions of which located at an inner diameter of the gland disposed at least partially within (the extrapolated boundaries of) the second pipe portion to the same extent as Applicant's, and a restraining gasket 61 within the second pipe portion and between the first pipe portion and the second pipe portion, the gasket further comprising: a compressible body having a spigot-facing surface shown in the area of the lead line of number 61c, a recess seat-facing surface shown above the lead line of number 61a and a gland-facing

surface shown to the right of the lead line of number 63, and a locking member 72, the member having a tooth 72b or better shown in figure 14 as 25a (Miller admits in col. 4 lines 21-23 that the locking member of figure 16 is of the same form as that of figure 1) and a back portion or top portion of element 72 at least partially embedded within the compressible body wherein at least a portion of the tooth is positioned to engage the first pipe portion as disclosed in col. 4 lines 40-41 wherein the locking member is adapted to pivot as shown in figures 13 and 14 and as disclosed on pg. 2 right col. lines 71-74 and in col. 4 lines 29-45 in response to a force tending to separate the first pipe portion from the second pipe portion, and wherein the locking member is adapted to resist movement between the first pipe portion and the compression gland via the resistance of movement between the first pipe portion and the second pipe in the event of such force.

Re: claim 5. Miller shows in figure 16 the limitation wherein the back portion is adapted to be interposed between the lip of the gland and the second pipe portion.

Re: claims 6-10. Miller shows in figures 13, 14, and 16 the use of the locking member having a facing elbow shown in the area of element 27 disposed in proximity to the gland facing surface and an upper protrusion shown in the area of the lead line of number 35 in figure 5 of Miller. Examiner notes that the facing elbow is adapted to resistively contact the compression gland and the second pipe portion via intervening portions of the gasket as shown in figure 16.

Re: claims 14 and 15. Miller shows in figure 16 a gland meeting area and a recess seat meeting area intersecting at a tooth shown above the lead line of element

61b, accordingly, the end portions of both the recess seat meeting area and the gland meeting area comprise a tooth.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 2-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5476292 to Harper in view of US Patent 2201372 to Miller.

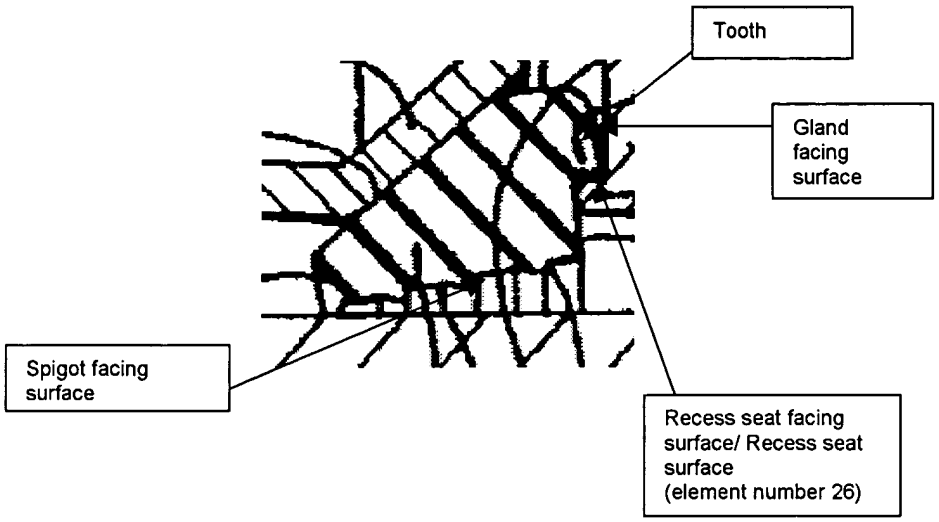
Re: claims 2, 3, 4, 5, 11, and 16. Harper shows in figure 1 a pipe joint comprising a male first pipe portion 4, a female second pipe portion 2, a compression gland 6 having a lip 8 located at an inner diameter of the gland disposed at least partially within (the extrapolated boundaries of) the second pipe portion to the same extent as Applicant's, and a restraining gasket shown in the area of element number 10 within the second pipe portion and between the first pipe portion and the second pipe portion, the gasket further comprising: a compressible body having a spigot-facing surface, a recess seat-facing surface and a gland-facing surface, but does not include the limitation of a locking member.

Miller teaches in figure 16 the use of a locking member 72 (being of the form illustrated in figure 1 as disclosed in the left column of pg, 4 lines 22-23), the locking member 72 having a tooth 72b and a back portion or upper surface at least partially embedded within a compressible body 61 wherein at least a portion of the tooth is

positioned to engage a first pipe portion 10 wherein the locking member is adapted to pivot (as a result of the conical end portions 60 of element 13c in which the front portions of the locking member are wedged and as a result of the rear portions 73 being supported) in response to a force tending to separate the first pipe portion from the second pipe portion, and wherein the locking member is adapted to resist movement between the first pipe portion and the compression gland in the event of such force.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the gasket of Harper to have included a locking member, as taught by Miller, in order to provide a means of more securely connecting the first and second pipe portions.

Re: claims 6-10. Harper, as modified, teaches in figures 13, 14, and 16 of Miller the use of the locking member having a facing elbow shown in the area of element 27 disposed in proximity to a gland facing surface and an upper protrusion shown in the area of the lead line of number 35 in figure 5 of Miller. Examiner notes that the facing elbow is adapted to resistively contact the compression gland and the second pipe portion via intervening portions of compressible body.



Re: claim 13. Harper shows in figure 1 a gasket interchangeable with gaskets of standard mechanical pipe joints for securing the ends of intersected assembled pipe portions, the gasket comprising a compressible body adapted to encircle a spigot end of a first pipe length 4 and adapted to fit within a bell end of a second pipe length 2, the gasket having a spigot facing surface, and a recess seat surface as labeled above, shows a gland meeting area shown in the area of the gland facing surface, a recess seat meeting area shown in the area of the recess seat surface, and the recess seat meeting area disposed in proximity to the recess seat surface, but does not show the limitation of the compressible body having embedded therein a locking member having a toothed edge shown in the area of the spigot facing surface, the toothed edge disposed in proximity to the gland facing surface.

Miller teaches in figure 16 the use of a locking member 72 (being of the form illustrated in figure 1 as disclosed in the left column of pg, 4 lines 22-23), the locking member 72 having a toothed edge 72b.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the gasket of Harper to have included a locking member, as taught by Miller, in order to provide a means of more securely connecting the first and second pipe portions.

Re: claims 14 and 15. Harper, as modified, shows in figure 1 of Harper the gland facing surface or the recess-seat meeting area comprising a tooth as shown in the labeled portion of figure 1 of Harper.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 5476290 to Bergmann et al. teaches the use of a restraining gasket 17,23 having a locking member 15 having a toothed edge 19 embedded within.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

mmb 6/3/03
mmb
June 3, 2003